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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,187	05/31/2005	Ian Robert Thomson	UDL20.001APC	7599
29995 7599 06/29/2009 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER HWU, DAVIS D				
ART UNIT 3752		PAPER NUMBER		
NOTIFICATION DATE 06/29/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/517,187

Applicant(s)

THOMSON, IAN ROBERT

Examiner

Davis Hwu

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-10,12,14-16,18-20,26 and 28-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-10,12,14-16,18-20,26 and 28-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

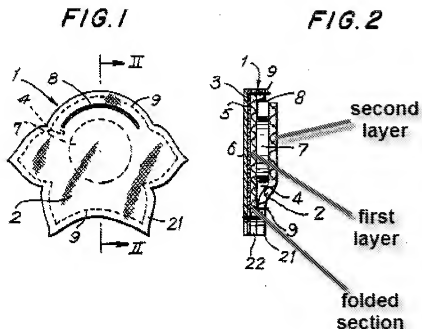
Response to Amendment

1. Applicant's amendment and arguments of May 26, 2009 have been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 1, 2, 4, 6-10, 12, 14-16, 18-20, 26, and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Field in view of Rawl.

Field discloses a delivery system of a composition, the system comprising a pocket 4, a system (5 and 6) for attaching the pocket to a surface, and an absorbent pad 7 as recited, wherein the pocket includes an opening 8 and shaped such that the pad may be received and held securely within the pocket but is removable therefrom via the opening, the pocket comprising a single piece construction from a flexible member folded over itself to define first and second layers (see Fig. 2 below), the layers being attached to each other along part of their peripheries and unattached along other parts of their peripheries, the unattached parts providing the opening 8 as recited, wherein the first layer includes an extended part 9, and wherein the flexible member comprises a material that enables an inhalable vapor to be released therethrough.



Field does not disclose the first layer including an extended part that extends beyond the second layer as recited. Rawl teaches a container comprising a pocket and a single piece construction from a flexible member folded over itself to define first and second layers 18 attached to each other along part of their peripheries and unattached along other parts of their peripheries (part 16 is opened), the unattached parts providing an opening for receiving and removing a device, wherein the first layer includes an extended part 16 that extends beyond the second layer adjacent the opening wherein the first layer is folded such that the extended part and the second layer overlap (when the fold 16 is in its closed position) and wherein the extended part 16 provides a closure member for retaining a device in the pocket. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device

of Field by providing to the first layer an extended part as recited since such an arrangement has been taught by Rawl to easily remove a composition from the pocket or insert a composition into the pocket and protect the composition from the atmosphere when the part 16 is in the closed position. The types of composition as recited in claims 8-10 are matters of user preference. Regarding claim 12, the device of Field also comprises a decorative face 12 which can carry an advertisement and regarding claim 18, it would have been a matter of operator choice to attach the device to a garment.

Response to Arguments

4. Applicant's arguments filed May 26, 2009 have been fully considered but they are not persuasive. The extension part 9 of the device of Rawl was modified with the teaching of Field in which Field teaches an extension 16 which overlaps layer 18 and the extension has a closure member in order to protect the pad from the atmospheric conditions and at the same time providing the capability of easily removing or replacing the pad. Therefore, there is clear motivation to modify the device of Rawl with the teaching of Field.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis Hwu whose telephone number is (571)272-4904. The examiner can normally be reached on Mon-Friday 8:00-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on (571)272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

/Davis Hwu/
Primary Examiner, Art Unit 3752